

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NOS. 90-06-08, 91-03-01, 93-02-07, 94-04-07, 00-02-29, 01-09-66 and 05-07-53 REGARDING IMPACT FEES TO BE ASSESSED BY THE CITY OF FRISCO, TEXAS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has previously adopted Ordinance Nos. 90-06-08, 91-03-01, 93-02-07, 94-04-07, 00-02-29, 01-09-66, and 05-07-53 of the City of Frisco, Texas ("Frisco") amending the impact fee to be assessed by Frisco for day care centers; and

WHEREAS, Frisco has fully complied with Chapter 395, Local Government Code, concerning the notice, adoption, promulgation and methodology necessary to adopt land use assumptions and a capital improvement plan establishing impact fees and has properly adopted Ordinance Nos. 90-06-08, 91-03-01, 93-02-07, 94-04-07, 00-02-29, 01-09-66 and 05-07-53; and

WHEREAS, the City Council has determined that no change to the land use assumptions nor the capital improvement plan is required at this time; and

WHEREAS, the City Council desires to reduce the amount of roadway impact fees to be assessed against day care centers; and

WHEREAS, the City Council has reviewed the land use assumptions and capital improvement plan adopted under Ordinance No. 05-07-53 and determined that the new roadway impact fees for day care centers, as set forth in Exhibit "A" of this Ordinance, are supported by the existing land use assumptions and capital improvement plan; and

WHEREAS, on or before the date of the first publication of the notice of the hearing on the proposed amendments, including the amount of the proposed impact fee per service unit, such information was made available to the public; and

WHEREAS, before the 30th day before the date of the hearing on this amendment to the roadway impact fee, the City sent a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the City Secretary requesting notice of the hearing within two years preceding the date of adoption of the order, ordinance, or resolution setting the public hearing; and

WHEREAS, the City published the required notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the City lies; and

WHEREAS, the Advisory Committee, created under Section 395.058, Local Government Code, filed its written comments on the proposed amendments to the roadway impact fees before the fifth (5th) business day before the date of the public hearing on the amendments; and

WHEREAS, within thirty (30) days after the date of the public hearing on the proposed amendments to the roadway impact fees, the City Council, is approving amendments to roadway impact fees charged per service unit; and

WHEREAS, Frisco has fully complied with Chapter 395, Local Government Code, to approve the amendment to the roadway impact fees charged per service unit; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Frisco to amend the roadway impact fees for day care centers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated/Compliance with Law. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

This Ordinance is adopted pursuant to the provisions of Chapter 395, Local Government Code, and Article 11, Section 5, of the Texas Constitution.

The City Council finds that Frisco has fully complied with the notice, adoption, promulgation and methodology necessary to amend the impact fees as set forth herein.

SECTION 2: Impact Fees Amended. The proposed impact fees have been reviewed and evaluated, and the City Council finds that the impact fees as set forth in Exhibit "A", which is attached hereto and incorporated herein for all purposes, should be and are approved. The Exhibit "A", attached to this Ordinance shall replace the Exhibit A attached to Ordinance No. 05-07-53.

SECTION 3: Inconsistent or Conflicting Ordinances. This Ordinance shall be and is hereby declared to be cumulative of all the Ordinances of Frisco, and this Ordinance shall not operate to repeal or affect any other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event, such conflicting provisions, if any, and such other Ordinances are hereby repealed.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective _____,
2010.

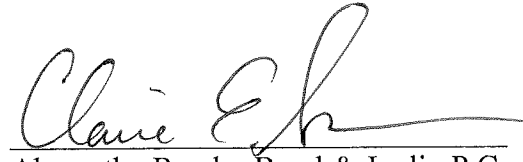
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS,** on this ____ day of _____, 2009.

Maher Maso, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy Roeder Boyd & Joplin P.C.
Claire E. Swann, City Attorneys

Date(s) of Publication: _____, *Frisco Enterprise*